IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Edward C. Villela et al ) Group Art Unit : 3721

Serial No. : Divisional Application ) Examiner Louis B. Tran

of Serial No. 10/376,941

Filed : Concurrently herewith )

For: NAIL GUN DEPTH CONTROL SPACER

1361 Alps Road Wayne, NJ 07470

MARCH 23, 2004

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## DECLARATION OF ATTORNEY RE: PENDING PRIOR SERIAL NO.

The undersigned attorney for applicant(s) hereby certifies and declares that the attached copy is a true copy of the above-identified pending prior application Serial No. 10/376,941 as originally filed on February 28, 2003 in the U.S. Patent Office.

Attorney for applicant(s) declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

William J. Davis Attorney for Applicants

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## DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION

| <u>X</u>  | Original  | Supplemen  | ntal S  | Substitute  |  |            |
|---|---|--|---|---|--|------------|
| As a bel  | ow-named inv  | entor, WE hereby dec   | lare that:  |   |  |            |
| My resid  | dence, citizens   | hip and post office ad   | dress are given below   | w under m   | y name.  |            |
| I believe<br>claimed and for                                    | e I am an origii<br>which a paten   | nal, first and joint inve<br>t is sought on the inve   | entor of the subject rention entitled:  | natter whi  | ch is  |            |
|   | NAIL  | GUN DEPTH CON  | TROL SPACER   |   |  |            |
| the specification   | n of which  |  |   |   |  |            |
| X is atta   | ched hereto.  |  |   |   |  |            |
| was fi  | iled on   |  |   | _ As  |  |            |
| Application   | Serial No.  |  |   | _   |  |            |
| . And with ar   | nendments thr   | ough   |   | _ (if appli   | cable).  |            |
| I have re<br>including the cl                                   | eviewed and un<br>aims, as amen   | nderstand the contents<br>ded by any amendme   | s of the above-identi<br>nt specifically referre  | fied specifed to abov   | ication,<br>e.                                   |            |
| I acknov<br>to patentability<br>Regulations.                    | wledge my dut<br>in accordance  | y to disclose informat<br>with Section 1.56 of   | tion of which I am av<br>Title 37 of the Code   | ware which  | h is materia<br>I                                | ı <b>l</b> |
| States Code of application(s) dand also identifapplication(s) d | any foreign ap<br>lesignating at I<br>by below any for<br>lesignating at I<br>atter and havir | priority benefit under<br>plication(s) for patent<br>east one country othe<br>preign application for<br>east one country othe<br>ag a filing date before | or inventor's certifi<br>r than the United Sta<br>patent or inventor's<br>r than the United Sta | cate or of a<br>tes identificertes testing the contract of the co | any PCT<br>ied below<br>or any PC<br>y me on the | Γ          |
| •   |   |  |   |   | Priority C                                       | laimed     |
| Country   |   | Number   | Filing Date   |   | Yes  | No         |
|   |   |  |   |   |  |            |

I hereby claim benefit under Section 120 of Title 35 of the United States Code of any United States application(s) or PCT application(s) designating the United States identified below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge my duty to disclose material information of which I am aware as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations which occurred between the filing date of the prior application(s) and the national or PCT filing date of this application:

| Application Serial No.  | Filing Date                  | Status  |  |  |  |  |  |  |  |
|---|------------------------------|---|--|--|--|--|--|--|--|
| 09/757,195  | January 9, 2001              | Pending                                       |  |  |  |  |  |  |  |
| I hereby appoint: William J. Davis, Reg. No. 30,744, Imre Balogh, Reg. No. 26,835, Marilyn J. Maue, Reg. No. 18,869 and Dr. Walter Katz, Reg. No. 19,706, or either of them as my agent or attorney with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.   |                              |   |  |  |  |  |  |  |  |
| SEND CORRESPONDENCE   | TO:                          | DIRECT TELEPHONE CALLS TO                     |  |  |  |  |  |  |  |
| GAF MATERIALS CORPOR<br>1361 Alps Road<br>Wayne, NJ 07470-3529  | RATION                       | WILLIAM J. DAVIS Telephone No. (973) 628-3529 |  |  |  |  |  |  |  |
| Legal Dept., Bldg. 10<br>William J. Davis, Esq.   |                              | Fax No. (973) 628-3620                        |  |  |  |  |  |  |  |
| I hereby declare that all statements made herein and in the above-identified specification of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |                              |   |  |  |  |  |  |  |  |
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| Full name of se     | cond joint is | ADEM CHICH                           | _    |         |   |
|---------------------|---------------|--------------------------------------|------|---------|---|
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